

REMARKS

The above Office Action of May 13, 2004 withdrawing the previous allowance is noted. The second page of the Office Action (PTOL-326) indicates that claim 13 has been rejected. No rejection of claim 13 can be found in the Office Action.

Reconsideration of the rejection to claims 21-23 because of the phrase "can be" is requested. The claims have been amended to positively claim that the central portions of the X-shaped braces are removable. Accordingly, reconsideration of this objection is requested.

Reconsideration of the rejection of claim 5 as being anticipated by Krug ('200) under 35 U.S.C. 102(b) is requested. Brace stiffener 22 is a 2 x 4 wood filler and is not a "truss member." Claim 5 has been amended to indicate that the band is flat with a substantially uniform height and that the at least two truss members have a top surface secured to the underside of the band ... These features are not shown in Krug which has an arched band and which has sides of the band extending downwardly to be attached to the stiffening system along its sides and not at its top surface. Accordingly, reconsideration of this rejection is requested.

Reconsideration of the rejection of claims 2, 3, 6 and 7 as being unpatentable over Krug (;200) under 35 U.S.C. 103(a) is requested. Claims 2 and 3 have been amended similarly as claim 5 and hence reconsideration of this rejection is requested.

Reconsideration of the rejection of claims 2, 3, 6 and 7 as being unpatentable over Krug ('200) in view of Kovar ('647) under 35 U.S.C. 103(a) is requested. Kovar was not proffered for, nor does it cure the inadequacies pointed out with respect to the reference to Krug and hence reconsideration of this rejection is requested.

Reconsideration of the rejection of claims 9-11, 14, 15 and 21-23 as being unpatentable over Krug ('200) in view of Kovar ('647) under 35 U.S.C. 103(a) is requested. As indicated supra, Kovar was not proffered for, nor does it cure the inadequacies found in Krug and hence reconsideration of the rejections of 9, 10 and 11 as well as 14 and 15 is requested. Claims 21-23 have been rewritten in independent form after correction of the objectionable language. The removal of the rivet in the Kovar ('647) patent does not provide for an unobstructed passageway for duct work to extend between two of the at least three joists insofar as the rivet 17a is way too tiny to provide for an opportunity to add a duct. Further, one would not be led to remove the rivet 17a to provide for a duct when one has wider passageways between the cross bars 16 and

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17 and the box 13, 15, 14 and thus the proposed removal would not be made by one skilled in the art. Accordingly, reconsideration of this rejection is requested.

The allowability of claims 24-26 is noted. These claims have not been rewritten in independent form since the claims from which they depend are allowable.

Authorization to charge the Deposit Account of Barnes & Thornburg Account No. 02-1010 (6714-63409) for the additional three independent claims is hereby authorized.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees, be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (6714/63409).

Respectfully submitted,

BARNES & THORNBURG

A handwritten signature in black ink, appearing to read 'M. Newman', is written over the printed name.

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